



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**JUL 11 2014**

CERTIFIED MAIL  
RETURN RECEIPT

Gladys A. Cotter

Herndon, Virginia 20171-1910

Re: Proposed Debarment of: Gladys Ann Cotter, DOI Case No. 13-0024-00

Dear Ms. Cotter:

This is to provide you with my written decision as Debarring Official for the U.S. Department of the Interior (DOI) regarding your proposed debarment. I conclude that, as explained below, imposition of a three (3) year period of debarment is warranted. You have to date been excluded from Federal procurement and nonprocurement awards for approximately eleven months by effect of the DOI Notice of Proposed Debarment issued on July 23, 2013. Your period of debarment measures from the July 23, 2013, date of initial imposition of award ineligibility.

I. Brief Procedural History.

DOI proposed to debar you by Notice dated July 23, 2013, under the provisions of 48 C.F.R. Subpart 9.4. The Notice proposed debarment from Federal procurement and non-procurement program activities for a three (3) year period. The Notice relied upon information provided in an Action Referral Memorandum (ARM) from the DOI Office of Inspector General (OIG) transmitted to you with the Notice.

By correspondence dated August 20, 2013, you timely contested the DOI Notice of Proposed Debarment. The DOI action notice informed you of the opportunity as part of the resolution process for a meeting with the Debarring Official to make an oral presentation of matters in opposition (PMIO). The Notice instructions stated that if you desired a PMIO your contest letter should include a request for one. You did not request a PMIO, either at that time or subsequently.

In response to your contest letter, David Sims, the DOI Debarment Program Manager, established a case schedule for the action. Subsequently you provided additional written information by submission dated October 31, 2013. Mr. Stanley Stocker, the DOI Office of Inspector General (OIG) case representative, provided a written reply to your information by memorandum dated November 6, 2013. You provided further information by email correspondence dated January 20, 2014. On February 21, 2014, Mr. Stocker, at the request of

Mr. Sims, provided a copy of OIG interview transcripts of Ms. Haseltine and Ms. Kimball referred to in the materials submitted by you and Mr. Stocker. On April 9, 2014, and May 7, 2014, Mr. Stocker provided additional documents at the request of Mr. Sims, and sent a copy to you.

The record contains extensive materials including both documents and interview summaries touching on multiple contentions. However, upon review, sufficient basic information exists in the form of business records and travel documentation upon which to reach decision without further proceedings. The matter is ready for final decision.

## II. Discussion.

Debarment is an administrative action taken to shield the government from individuals and entities who, because of waste, fraud, abuse, noncompliance or poor performance, threaten the integrity of federally-funded procurement and non-procurement activities. Debarment is not to be used as punishment. That is the purview of other forums. Rather, debarment is by its essential nature a business risk assessment decision which addresses the "present responsibility" of a person with regard to participation in federally funded work.

### A. Contractor and Participant Status.

You contend as a preliminary assertion that the debarment rule at 48 C.F.R. 9.4 applies only to contractors and that as you were a DOI employee at the time of the conduct at issue you are not a contractor subject to the debarment rule. Under the definition of "contractor" at 48 C.F.R. § 9.403, a person falls within the definition either where business is directly conducted under a government contract or subcontract, or where the person "may reasonably be expected" to conduct such business. As a Federal employee you would not fall under the definition of "contractor". However, the definition is one of present rather than past status. You retired from Federal service, effective January 3, 2013. Considering your professional experience of record in the area of resource program management it is reasonable to anticipate that you may seek to participate in federally funded work, directly or indirectly, or as an agent or representative of a contractor or assistance recipient. Accordingly, you properly fall within the regulatory definition of "contractor" at 48 C.F.R. § 9.403. It is also noted that based upon this information, you may now reasonably be expected to be a "participant" in Federal assistance, loan and benefit award programs, under the nonprocurement debarment provisions of 2 C.F.R. §§ 180.820 and 180.980 implemented by DOI at 2 C.F.R. Part 1400.

### B. Cause for Debarment.

The existence of past conduct which evidences a lack of business honesty or integrity or serious poor performance constituting cause for debarment is the requisite starting point for evaluation. Debarment is a prospective remedy to avoid future business risk by precluding eligibility for future awards. The misconduct need not arise in performance under a Federal award. It is well established that when presented with information indicating a lack of business honesty or integrity, the government need not wait until it is actually harmed in the course of performance of a Federal contract or assistance award before acting to exclude a person from future award



eligibility. It is incumbent on the debarring official when presented with information indicating the presence of past conduct indicating a lack of business integrity, honesty or poor performance to evaluate the necessity for protection of Federal procurement and nonprocurement award program activities.

Under the debarment rule at 48 C.F.R. §9.406-3(d)(3), cause for debarment is established based upon a "preponderance of the evidence" standard. Preponderance of the evidence defined at 48 C.F.R. Part 2 means "proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not." It is well established that in assessing information the Debarring Official may draw reasonable inferences.

The OIG Action Referral Memorandum (ARM) dated July 11, 2013, relied upon and transmitted to you with the DOI Notice of Proposed Debarment, recommends your debarment based upon assertions that you as a DOI employee, under the guise of official travel to Africa, undertook personal travel without taking annual leave for the time and used your government travel card to fund portions of that travel. The ARM raises additional issues, including whether certain invoices were fabricated and whether specific costs were improperly claimed for reimbursement. However, to reach a decision on whether debarment is appropriate here I need only consider the basic question of whether or not you repeatedly engaged in personal travel without taking annual leave. The question of travel costs claimed as being for official travel but incurred during periods of personal time for which annual leave should have been taken, any exact amounts, and recovery is a matter appropriate to a separate forum.

The documentary record submitted for this action is substantial, including position descriptions, travel authorizations, vouchers, meeting agendas, travel itineraries, OIG interview summaries, and correspondence. Examination of basic travel documents and business records is sufficient to establish as a matter of record material facts in support of cause for debarment without the necessity of a fact finding proceeding.

#### Your Position Duties.

You contend in these proceedings that the questioned travel was a necessary part of your responsibilities at USGS. At relevant times to this inquiry you were employed by the DOI, United States Geological Survey (USGS). You held the Senior Executive Service position of Associate Chief Biologist for Information. Your USGS position description states, in part:

"The Associate Chief Biologist for Information is the senior policy official for, and principal advisor to the Chief Biologist on, all matters relating to the communication of scientific and technical information to scientific, management, academic and lay audiences; the application of Information/communications technology, advance information theory, and information science concepts to biological information; the management of library, museum, natural history, and archeological collections; and the organization and deployment of national and international biological and ecological information initiatives [sic]".

Your major duties focused on the development of policy and informatics technology development and implementation. – that is, as OIG observes, quoting from Exhibit 17 of your August 20, 2013 submission, “on evaluating activities relating to information technology, computational capacity, standards, storage, processing and dissemination at leading information research organizations...and developing technology infusion strategies targeted at the biological community. OIG Subm., of November 6, 2013, at 2.

The written submissions in this matter contain much back and forth as to whether your USGS position responsibilities involved biological research. An examination of your position description indicates that your role was at a supervisory policy level focused on coordination and utilization of technology and on-line data bases rather than data generation. You assert that your position responsibilities warranted travel “...designed to interact, conduct outreach, and build partnerships with the biological informatics community throughout the world both on the user and supply side” and accordingly justifies the travel in question here as legitimate. Cotter Subm., of August 20, 2013, at 6. Unquestionably, your duties entailed representing the USGS in dealings with international informatics bodies. But the articulated duties do not indicate that your responsibilities reasonably extended to conducting site visits to the natural areas that were the subject of the data bases your office organized and promoted.

Even if your official position description delineated responsibilities could be properly interpreted to include “field work” or “site visits”, under government travel regulations official travel, and in particular international travel, still must be clearly justified as essential to mission to be properly authorized. Your travel documentation of record does not establish that the parks and reserves visits were in fact a necessary part of your attendance at the international meetings in Africa.

Examination of meeting itineraries discloses that the side excursions were not part of the official agendas for the scientific meetings you attended. Nor does the record contain any documentation to support a conclusion that your park and game reserve visits were organized by African governmental bodies or that formal structured meetings with representatives of work related organizations occurred during your visits to the parks and reserves. To the contrary, and most significantly, as discussed below, examination of the tour itineraries booked through African Portfolio (AP) clearly signal that the “safaris” were recreational in nature.

#### The Africa Travel.

The record presented shows that between 2002 and 2010, you traveled to Africa at government expense on official trips to scientific technical conferences with the stated purpose to give presentations, chair, or participate in meetings and workshops. The validity of your attendance at the actual conferences is accepted for purposes of reaching a decision in this debarment proceeding. At issue is the fact that in each instance the conferences were accompanied by your travel to African national parks, game preserves, or wildlife reserves. OIG asserts in the ARM that on four trips you engaged in post-conference personal travel for which you did not take annual leave and for which you claimed reimbursement as part of your official travel.



It appears that for each of the trips at issue you arranged the in-Africa travel on your own through AP, a travel firm located in Connecticut. According to its website at [www.africanportfolio.com](http://www.africanportfolio.com), AP specializes in providing customized recreational "safari" vacation package tours including all meals and activities. ARM Exhibits 5 and 13. AP in turn utilized in-Africa firms such as Kibo Safaris, CC Africa Safaris and Tours, and Frontiers Tours and Travel.

It is clear from the documents provided for the record that the wildlife park visits arranged by AP were advertised and designed to be customized vacation type trips rather than research expeditions or "field trips". The company promotional literature clearly focuses on the recreational and adventure nature of the experience and utilizes the descriptive term "safari", "wilderness safari", and "African honeymoon safari". A check of websites for the in-Africa firms utilized by AP shows that those firms are in the business of providing recreational, adventure, or hunting, safaris.

#### The July 2002 Trip.

DOI travel documents establish that in July 2002 you traveled to Africa for the purpose of attending two meetings. The record contains limited documentation about this travel. The DOI Foreign Travel Certification Form (FTCF) which you submitted to gain approval for the travel identifies Johannesburg and Pretoria as the major cities to be visited. The FTCF states the sole travel purpose as attendance at the BIONET International Global Workshop on Information Partnerships for Sustainable Development (July 14-18) and the GBIF Outreach and Capacity Building Meeting (July 19-23). The FTCF includes several purpose check boxes. A check appears for the Professional/Scientific Meeting" box. The box for "Field Work" is not checked. Nor is the general "Other" box checked. There is no identification of destinations beyond the BIONET Workshop and GBIF conference sites. OIG Subm., of April 9, 2014, Attachment.

The travel dates listed on your Travel Authorization and FTCF do not match the actual meeting dates for the BIONET conference or the GBIF meeting. You assert that the dates of the conference differ from the DI-1175 because you were informed dates changed after you submitted the form. Cotter Subm., of August 20, 2013, at 15. Your DOI Travel Voucher and Travel Authorization state the dates of travel as July 2, 2002 through July 21, 2002. OIG Subm., of May 7, 2014.

The BIONET Conference Agenda shows that contrary to the dates you listed in your DOI travel documents, the conference was held in Pretoria starting on Monday July 8, 2002. The conference concluded on Friday July 12<sup>th</sup> with delegates departing on Saturday, July 13<sup>th</sup>. The agenda does not include any off site venues that would necessitate separate non-conference centered lodging of the kind provided by AP in connection with its packaged tours.

A search of the internet discloses that the 2002 GBIF Outreach and Capacity Building Meeting, was held in Pretoria, South Africa on July 14th and July 15th. You assert in your August 20, 2013 written submission that you attended the GBIF meeting on July 14th and returned to the United States on July 15, 2002. However, as noted above, your travel voucher shows you returning on July 21st.

Your travel records show lodging in four locations. A lodging claim appears for July 8 through July 14, dates proximate to the actual days of the BIONET conference which was held in Pretoria. However the travel records also show lodging costs claimed as incurred through AP for July 4, 2002 through July 7, 2002. ARM Exhibit 4.

The travel voucher includes a 2002 receipt represented to be from AP for lodging in Johannesburg and Cape Town. The reason for lodging in those two towns is unclear. Although outside the narrow basis on which my debarment determination is reached, I note that OIG investigative documents and the Proposed Removal from Federal Service Action Notice issued to you by USGS indicate questions exist as to whether the AP receipt you submitted with your voucher indicating lodging in Cape Town is in fact authentic.

The travel authorization and voucher lists Skukuza as a travel destination and the voucher includes claimed costs for lodging there. An independent check on the internet discloses that Skukuza is the main rest camp and administrative headquarters for the Kruger National Park. There is no evidence that this destination had any connection with the meetings you were authorized to attend. The park is 261 miles from Johannesburg, 328 miles from Pretoria, and 1123 miles from Cape Town.

You did not take annual leave for any non-conference days during this 2002 African travel. ARM Exhibit 4 prepared from DOI travel records shows that you utilized your government travel card to pay for AP charged costs and subsequently claimed reimbursement. You provide no documentation to support a conclusion that DOI business occurred on the non-conference days. In light of the information in the record about the nature of the travel services provided by AP, a reasonable inference is drawn that the AP costs claimed for the 2002 travel are for recreational activities for which annual leave should have been taken.

#### The April 2006 Trip.

In 2006 you traveled to South Africa. The FTCTF submitted for travel authorization approval lists travel to Cape Town, South Africa from April 1, 2006 to April 9, 2006 and to Zambezi, Zimbabwe from April 10 to April 15. The stated travel purpose on the FTCTF is attendance at the Governing Board Meeting of the Global Biodiversity Information Facility (GBIF) at which you would make a presentation on biological informatics.

The FTCTF includes as part of the travel purpose a statement that you "will participate in a field excursion (in Zimbabwe) to the Zambezi River ecosystem to observe wetland habitat conservation, endangered species breeding, sustainable development practices and associated information systems. The Zambezi River ecosystem conservation area will provide key demonstrations and discussions about the role of GBIF and the USGS, NBII in the use of information technologies to monitor biodiversity change." The FTCTF purpose check boxes show only the "Professional/Scientific Meeting" box checked. There is no indication in your FTCTF that destinations include national parks, game reserves or refuges. Nor is there information to clearly signal that the "field excursion" had nothing to do with the official conference agenda.



The GBIF Governing Board meeting occurred on April 3<sup>rd</sup> through April 4<sup>th</sup> at the Table Bay Hotel in Cape Town. The Board meeting minutes executive summary does not note any USGS presentation. It appears that the Board meeting was followed by the Fourth Annual GBIF Science Symposium from April 5<sup>th</sup> through April 6<sup>th</sup> in Cape Town.

The symposium agenda does not indicate any USGS presentations. It appears that between April 7 and April 11th you traveled from Cape Town to Victoria Falls National Park, Zambezi National Park and also Hwange National Park via an AP tour package. These destinations have no connection with the Board meeting and Symposium agendas. They are remote from Capetown. I take cognizance of the fact that Victoria Falls is 1675 miles from Cape Town, Zambezi National Park is 307 miles from Victoria Falls, and Victoria Falls is 142 miles from Hwange National Park.

You contend that that during the trip to the Zambezi River you "met with various resource managers, wardens, guides, and rangers to discuss... issues." Cotter Subm., of August 20, 2013, at 17. You assert that "Although the lodge [you] stayed at during this trip provided opportunities to participate in game drives, bush walks, and other recreational activities, [you] did not participate in these activities." Cotter Subm., of August 20, 2013, at 17. This uncorroborated statement does not establish that your travel to the Zambezi River area was in fact work related. Also, balanced against it is the fact that the AP arranged travel was a package tour with activities included as part of the price for which reimbursement was apparently subsequently claimed.

#### The June 2008 Trip.

The ARM asserts that in June of 2008, you traveled to South Africa to attend two separate technical meetings, a WDCBHH planning meeting in Cape Town followed by a "Global Pollinator Summit" in Durban, South Africa and that after the official meetings, you traveled from the conference venue to the Timbavati Nature Reserve and then to the Savanna Game Refuge, both near the Kruger National Park in South Africa. However, you state in your August 20, 2013 written submission that the June 2008 travel to Africa was entirely on personal time for which you took annual leave. The record appears to support this assertion as OIG does not dispute your statement. Accordingly, the June 2008 Africa travel is excluded from the action basis.

#### The October 2008 Trip.

In October of 2008 you again traveled to Africa. It appears that you departed the United States on October 30, 2008 and returned on November 16th. The stated purpose of the travel listed on the FTCT is attendance at the Annual Governing Board Meeting of the Global Biodiversity Information Facility (GBIF) and participation in the GBIF Executive Committee meeting, in Arusha, Tanzania. No other destination is identified in the narrative in support travel. Again, only the "Professional /Scientific Meeting" box is checked on the FTCTF.

The GBIF meeting agenda shows that it took place at the Arusha International Conference Centre in Arusha Tanzania, from October 31 through November 1, 2008. The Agenda participant list does not include your name. OIG Subm., of April 9, 2014, Attachment.

Following the two day conference it appears that in the following fourteen days, between November 2 and November 15, 2008, you traveled on duty status time to the Lake Manyara National Park, Serengeti National Park, and the Ngorongoro Crater Conservation Area and World Heritage Site through travel packages arranged with AP. I take cognizance of the fact that these destinations are, respectively, approximately 62, 146, and 132 miles from Arusha.

You contend that all segments of this trip were for business. You state that you attended the GBIF meeting from Oct 31 to Nov. 6th. You further state that "Following the conference, [you] attended meetings with ecosystem, park and conservation area personnel and affiliates to discuss biodiversity and ecosystem data as well as information issues related to creation of the World Data Center and the related GBIF. This travel was arranged through AP." Cotter Subm., of August 20, 2013, at 20. Your submission at 20-22 purports to identify daily activities for November 8, through Nov 14, as consisting of meetings with managers and guides. You offer a day by day description of meetings with park resource managers on Nov 8 through 14. Cotter Subm., of August 20, 2014, at 11. While the meetings are described by ostensible purpose, no corroborating documentation is provided or pointed to in terms of specific meeting times, names of individuals met with, or memorials of meetings. Moreover, even assuming the meetings did occur, they were not a part of your USGS authorized travel for which official travel time use was proper.

Your August 20<sup>th</sup> submission at page 22 states "Recommendations for the ecosystem, park, and conservation areas that would be germane to developing the World Data Center and mobilizing content for the GBIF and related contacts were provided by Mr. Theophilus Mlaki, Director of Information and Documentation, Tanzania Commission for Science and Technology and his staff. Dr. Nick King, Executive Director Global Biodiversity Information Facility, also assisted in identifying and recommending locations for meetings and briefings with resource managers and park staff". This statement suggests this was done during park visits but closer examination suggests that any communication from Mr. Mlaki or Mr. King occurred during rather than after the GBIF meeting. Also, no information is presented to show how any visits to the parks directly led to data or other information incorporated into USGS decision making.

#### The May 2010 Trip.

Finally, in May of 2010, you traveled to Gaborone, Botswana. Your travel authorization documents did not request any days of annual leave in association with the travel. The stated travel purpose on the FTCTF is attendance at a World Data Center for Biodiversity and Human Health Meeting and participation in the International Conference on Digital Scholarship and Emerging Technologies. The FTCTF shows travel from May 24, 2010 through June 4, 2010. The only FTCTF purpose box checked is "Professional/Scientific Meeting". The agenda for the Third African Digital Scholarship & Curation Conference shows that the conference occurred only over a two day period, May 25<sup>th</sup> through May 27, 2010. The conference focused on



technological and information data systems utilization such as mobile learning, opportunities in a digital learning and research environment, data systems and digital scholarship, and enhancing computer end-user training effectiveness.

In this instance, it appears that following the two day meeting, a seven day excursion was planned, on official time rather than annual leave, to the Central Kalahari Game Reserve, the Okavango Delta, and the Linyanti Wildlife Reserve in Botswana. AP Reservation form for Gladys Ann Cotter dated April 9, 2010 ARM Exhibit 10. The Okavango Delta is 392 miles from Gaborone. The Central Kalahari Game Reserve is approximately 429 miles from Gaborone.

The post meeting travel was abruptly cancelled by USGS, upon becoming aware of the nature of the series of post-conference excursions being billed to the government. By correspondence dated May 26, 2010, the Deputy Director of the USGS instructed AP to cancel the safari. USGS directed you to immediately return to the United States.

You contend that the purpose of this travel was to participate in meetings of the African World Data Center and the International Conference on Digital Scholarship and Emerging Technologies and thereafter had meetings scheduled in the Linyanti Wildlife Reserve, Chobe National Park and Harry Oppenheimer Okavango Research Center "with local resource managers and others". You assert in your August 20<sup>th</sup> submission that you had a meeting scheduled with Dr. Daisy Selematsela, the Exec Director of the Knowledge Management and Evaluation at the South African National Research Foundation – a South African counterpart. Cotter Subm., of August 20, 2013, at 26-27. However, you provide no specifics as to dates, times, or names – except for that of Selematsela – and in that instance offer no specifics as to the day, time, or nature of the meeting. For example, even assuming the meeting occurred, it could have been during the conference and workshop meetings. I also note the apparent absence of notes or other USGS records – for example, post travel trip reports or briefings to show impact on USGS decision making.

#### The Nature of the AP Travel Itineraries.

The essential information in this matter can be distilled from the record presented as follows. You assert in essence that the four trips to African wildlife parks or reserves were field trips necessarily related to or in furtherance of your responsibilities at USGS, and therefore were official business to be conducted on official time rather than non-duty activity requiring annual leave.

You assert that while the AP website highlights the company's safari services, AP is a full-service travel organization that arranges all aspects of travel in Africa including accommodations, transportation, and meals in addition to safaris. You state that you "preferred to use AP because they provided broad ranging logistical services that were otherwise difficult, if not impossible to arrange given the remoteness of the locations she visited." Cotter Subm., of August 20, 2013, at 11. Your contention suggests that you relied upon AP to arrange lodging and itineraries for the entire trip. However, it appears that AP was only relied upon for the "safari" portion of the travel and not for travel to and accommodations at the official BIONET and GBIF meetings.

It is clear from the documents provided for the record that the wildlife park visits arranged by the firm "African Portfolio" were advertised and designed to be customized vacation type trips rather than research expeditions or "field trips". According to its website at [www.africanportfolio.com](http://www.africanportfolio.com), AP specializes in providing customized recreational "safari" vacation package tours including all meals and activities. ARM Exhibits 5 and 13. The company promotional literature clearly focuses on the recreational and adventure nature of the experience and utilizes the descriptive term "safari", "wilderness safari", and "African honeymoon safari". AP in turn utilizes in-Africa firms such as Kibo Safaris, CC Africa Safaris and Tours, and Frontiers Tours and Travel. These in-country vendors also identify themselves by name or literature as safari tour operators.

AP's internet website indicates that, working with the in-country vendors such as Kibo Safaris and Wilderness Safaris, it provides clients with customized packaged safari vacations to Africa that include all meals and activities. It also appears that the AP tour packages were pre-paid or required an initial deposit. I take cognizance of the fact that package tours and pre-payment are inconsistent with, if not contrary to, federal travel regulations and practices. It is, however, not an unusual practice in the context of personal vacation tour packages arranged through a travel agency.

Records for the 2002 trip are limited due to the time elapsed before the investigation commenced. In light of the AP related documentation for the parks and game preserve visits in 2006 onward, I draw a reasonable inference that the AP travel arrangements in 2002 were of the same nature as those in the later years. I also note that the Annual Report of the GBIF for 2001-2002 includes a list of standing subcommittees and that your name does not appear on the membership list for any of the subcommittees.

During the April 2006 trip to Africa on April 7 and April 11th you traveled from Cape Town to Victoria Falls National Park, Zambezi National Park and also Hwange National Park via an AP tour package. The record contains an invoice from CC Africa Safaris and Tours dated March 24, 2006. The invoice shows billing for four days commencing April 8th at the Matesti Water Lodge "on a full board basis with refreshments on game drives, scheduled activities, and laundry". OIG Subm., of April 9, 2014, Attachment.

Following the October 2008 conference between November 1 and November 15, 2008, you traveled to the Lake Manyara National Park, Serengeti National Park, and the Ngorongoro Crater Conservation Area and World Heritage Site through travel packages arranged with AP. The record includes an invoice dated July 8, 2008 from Kibo Guides (T) Ltd, to the attention of AP, billing you for the "cost of a pvt [private] safari in November 08..." Costs are stated to include unlimited mileage on a private 4x4 Kibo vehicle, a "well experienced guide while on safari", a park entry fee, crater service fee, lodging and camp accommodation "while on safari", and "Mineral water, soft drinks, beers and house wines for dinner while at Simiyu mobile camp" and mineral water "while on game drives". OIG Subm of April 9, 2014, Attachment. The AP itinerary description for the Simiyu Camp at Serengeti National Park states in part "With a maximum five guests per vehicle, window seats are guaranteed on the twice daily game drives." ARM Exhibit 8.



During the May 2010 trip, travel records indicate that a seven day post conference excursion was planned for days on official time, to the Central Kalahari Game Reserve, the Okavango Delta, and the Linyanti Wildlife Reserve in Botswana. AP Reservation form for Gladys Ann Cotter dated April 9, 2010. ARM Exhibit 10. The associated AP Itinerary for the tour utilizing Wilderness Safaris (Pty) Ltd. states in part "[Y]our safari includes:...Sightseeing and safari activities as detailed in the itinerary... transportation while on tour may be in specially equipped four wheel drive vehicles, mini-vans, car or boat... Hotel, lodge or camp accommodation on a shared basis in standard rooms unless otherwise noted...Meals as specified..."

The associated itinerary covering the Kalahari Plains Tented Camp states in part "Guided game drives unlock the fascinating wildlife treasures...San Bushman experiences provide insights into the unique culture of this fascinating people..." The itinerary for the Kwetsani Camp states in part "Activities include 'mokoroing', walking on palm-fringed islands and game drives during the day and night." Similarly the Itinerary for the DumaTau tented camp states in part "Day and night game drives are conducted in open 4x4 vehicles..." The record also includes a Wilderness Safaris Tax Invoice No. 128761 dated April 13, 2010, showing a charge of \$ 3,571 per person for "... cost of Botswana Safari". ARM Exhibit 10.

The separate trips to the wildlife parks and reserves do not appear to have been part of the official agendas of the scientific meetings. For example from time to time a conference will include as an event a "field trip" or site visit. That was not the case here. The destinations were geographically distant from the meeting locations. AP had nothing to do with providing travel arrangements in connection with the global conferences. The parks and preserves travel segments were longer than the scheduled conferences.

You state in your August 20<sup>th</sup> submission that during the parks and game preserve trips you met with park rangers, guides and drivers and had briefings or gave presentations. However, you do not provide or point to documentation to corroborate and demonstrate that those interactions were in fact in the nature of official participation in meetings with African government or organization representatives, as opposed to the kind of informal talks or "nature lectures" often given to tourists by park rangers, guides, etc. Nor do you offer or point to documentation of any meetings with host country officials during the parks and game preserve visits. Similarly, you do not provide or point to corroborating documentation that could identify participants for each destination and corroborate that the activity actually happened and in fact was undertaken as part of a structured effort to advance legitimate USGS programmatic objectives.

You also do not offer or point to any post travel official USGS records of programmatic documents, memoranda, briefing memorials, or notes connected to the trips in question that could support a conclusion that the parks and reserves visits were officially contemplated, planned, and utilized after completion. You claim that photos were taken or planned to be taken during the parks and preserve visits for use in "the Library of Images from the Environment (LIFE) project. Cotter Subm., of August 20, 2013, at 9. The stated purpose of and justification for the Africa travel was conference attendance, not contribution to a photographic data base.

The record also contains no evidence corroborating your contention. As OIG observes "...if the safaris provided important biological informatics data. Federal record retention requirements would have required her to maintain the records she created." OIG Subm., of November 6, 2013, at 4.

It is certainly possible that you may have derived some personal professional benefit from visiting the African wildlife parks and reserves. However, the information of record is not persuasive of your claim that the parks, refuges, and reserve visits were legitimately connected to your USGS responsibilities. Indeed, the travel documents forming part of the record support a contrary conclusion. It strains credulity to view the "safaris" as anything but what they were -- recreation.

Considering your USGS duties set forth in your position description, the plainly recreational nature of the package tours provided by AP, the irregularities of trips taken apart from the scientific conference days for a greater number of days than needed for conference attendance, your conduct shows either a knowing and willful failure to recognize, or, at best, a reckless disregard as to the impropriety of using official time for the parks, reserves and refuge travel. The record discussed above establishes upon a preponderance of the evidence, improper conduct on your part which adversely speaks to your business honesty and integrity thereby providing existence of cause for your debarment under 48 C.F.R. §§ 9.406-2(c).

#### B. Mitigation Factors Assessment.

Debarment, both by its remedy nature and as a matter of regulation, is not an automatic result of establishing the existence of cause for debarment. Debarment is first and foremost about the present rather than the past. It is a remedy for use to protect government procurement and nonprocurement program interests only where truly warranted. The seriousness of the past misconduct and any information presented by a contractor that persuasively indicates mitigating factors, altered circumstances, remedial measures, or other actions taken that address present responsibility is evaluated in reaching a decision on debarment.

The information provided in your written submissions is taken into consideration and weighed for its value in reaching a decision regarding the need for, and period of, debarment in this matter. This information, together with that provided by OIG, received careful review and evaluation under the relevant criteria at 48 C.F.R. § 9.406-1(a).

The actions in question appear to be the only blemish of record in an approximately 33 year Federal career. However, balanced against that is the fact that the conduct in question occurred in connection with four trips over a multi-year period and the fact that you facilitated the participation in this inappropriate conduct of two subordinates and a contractor.



You appear to contend that since the 2010 safari portion of your travel did not take place due to the USGS order for you to immediately return to the United States and consequently there was no claim to DOI for reimbursement that should be given mitigation consideration. Cotter Subm., of January 20, 2014, at 3. No mitigation value attaches to this information since the trip cancellation was involuntarily done at the direction of your USGS supervisor following realization by USGS that your trip included a safari.

OIG initiated an investigation of your travel at the request of the Associate Director for Biology, USGS after an audit of government credit card transactions by USGS flagged AP "safari" costs charged to your government card in connection with your May 2010 Africa travel. ARM Attachment 1. You assert that you cooperated with the OIG investigation of your travel activities. The record indicates that you twice made yourself available for interviews by OIG investigating agents. Routine cooperation by an individual, and in this case a federal official, in an investigation by Departmental OIG agents, is to be expected as well as required. Evidence of an unusual or extraordinary level of cooperation with investigating authorities can indicate the presence of acceptance of responsibility for the past conduct and understanding of the threat posed to the integrity of government systems by such conduct. The record presented here contains no evidence of a level of cooperation beyond what would be expected from a senior federal official as a matter of agency requirement or basic self-interest that could mitigate against the need for debarment.

By notice dated May 23, 2012, the USGS Director proposed your removal from Federal service. You urge that the fact the Removal Official made no decision in the six months between your oral presentation in that process and your retirement should mitigate against imposition of debarment. You appear to suggest that the fact a decision did not issue indicates a lack of supporting factual information. The record contains no indication as to the reasons for why a final decision did not issue other than the fact that your election to retire prior to decision issuance eliminated the need for final decision issuance. The personnel action is a separate proceeding in a different forum before a different decision official employing different procedures. The mere fact that a decision did not ultimately issue in the DOI personnel action does not establish the absence of improper conduct on your part or in any way preclude this independent debarment proceeding.

You urge that debarment is improper given the time elapsed since the OIG investigation commenced in 2010. This contention is also without merit. The debarment remedy focuses on risk posed by those who presently are or may reasonably be expected to be a contractor or participant. You retired January 3, 2013. The OIG Administrative Remedies Division completed its assessment of information and prepared and forwarded the ARM to the SDO on July 11, 2013 - a not unreasonable time period considering the factually based ARM includes 16 attachments. Thereafter, referral was promptly considered and a notice issued on July 23, 2013. You assert that while you do not dispute "that participation in a "personal" safari at government expense would not have been approved by management, [your] travel which included travel to ecosystems, was expressly approved by management." Cotter Subm., of August 20, 2013, at 12.

You assert that the "...trips in 2002, 2006, 2008, and 2010 mirrored the many other international trips ...taken during ... 16 years with USGS" and that had you received any indication prior to 2010 that the travel was inappropriate or otherwise unauthorized you would have sought

clarification immediately. Thus, you contend that approval of the travel authorizations validates the travel. Cotter Subm.. of August 20, 2014, at 33. Each travel authorization must be individually specific based on the purpose and need for the travel. There is no carte blanc justification.

As a DOI employee you were required to take training on and understand Federal travel rules. There is no indication that you did not do so. DOI travel regulations found at <http://www.usgs.gov/usgs-manual/340/340-1.html>, explicitly state in part that "A. Authorization for travel will be limited to that travel which is essential to the transaction of the USGS mission in the most effective and economical manner....E. Travel expenses which will be reimbursed are confined to those expenses essential to the transacting of official business."

You state that you "...engaged in regular ongoing discussions with [your] supervisors and other senior personnel in the Agency and relied on their approval of [your] travel to formulate [your] own interpretations of what was authorized and what was not." Cotter Subm.. of August 20, 2014, at 34. You also contend that you received no instruction as to the proper method for completing the DOI foreign travel request form DI-1175. The fact that the AP travel packages clearly identify themselves as a "safari" should have been sufficient to put you on notice as a matter of sound and prudent judgment of the recreational nature of the packages offered and the need for caution as to official time versus annual leave use. It should have also prompted a very specific inquiry of management as to propriety. It is readily apparent from review of the travel authorizations and the FTCFs that the narratives you submitted did not clearly identify, and therefore put your management on notice of, the fact that the travel to the parks and reserves in each instance was not part of, or otherwise directly related to, the officially organized conference being attended.

In any event, the failure of travel system management checks to detect and disallow inappropriate non-government work related travel requests or cost reimbursements does not establish an after the fact justification for improperly claimed costs. Reliance upon erroneous approval of a travel authorization or voucher does not justify the improper action. As a Federal employee and senior manager you were required to have an independent understanding of the Federal travel regulations regarding acceptable travel.

You provide for this record an excerpt from a statement offered by your attorney in the removal action. Your attorney in that proceeding stated that "If there was some misunderstanding regarding her actual travel arrangements or the documents generated to explain her travel costs, Ms. Cotter is genuinely sorry for this. She never sought to deceive anyone." Cotter Subm.. of August 20, 2013, at 44. I note that while you provide this for consideration here you do not provide a personally framed direct statement in this debarment proceeding. Nor have you requested the opportunity for an in person meeting to discuss the matter. While that of itself is not dispositive of the question whether to debar, such a meeting would have provided a direct opportunity to assess credibility and question you about the trips.



Your work experience included periodic training on government travel rules and ethical standards. There is no indication that you for any reason failed to complete annually required courses. At the time of the conduct which occurred over a period of approximately eight years you, as a public official, were a member of the Senior Executive Service. As such you were held to a high standard of ethical conduct. Your training and management experience as a senior USGS official with over thirty three years of experience should, if anything, have fostered knowledge and an awareness of the requirements and standards of proper conduct as a Federal employee. The clearly recreational nature of the travel packages provided by AP presented a red flag. In light of that fact the readily apparent question as to travel relevance and leave use could and should have been specifically raised with your supervisors and DOI travel management personnel.

At a minimum the record indicates a willful disregard for, or reckless lack of caution as to, compliance with federal travel rules. At worst, it indicates intent to conceal the recreational nature of portions of your travel, and abuse of the travel rules. It is also evident from the record, as a matter of an aggravating circumstance that in addition to your own improper travel you approved travel requests for two USGS subordinates to accompany you on the safaris also without taking annual leave. You also involved a contractor in arranging and participating in the safari travel which consequently resulted in an improper contractor claim as well as debarment action for that contractor and exposed those individuals to debarment action consideration by DOI.

Debarment, as noted earlier, is about the present more than the past. Debarment is used to protect government program award integrity, rather than as punishment. For the errant contractor it serves as a "cooling off" or reflective period regarding the need for conformance to proper standards of business ethics and integrity. A factor to be given perhaps the most significant consideration is whether a contractor recognizes and understands the seriousness of the conduct giving rise to the cause for debarment and accepts responsibility. It is evident from your written statements that you do not yet truly accept and acknowledge your misconduct and the seriousness of the threat posed by such to the integrity of the use of taxpayer funds and the public confidence in the operations of the DOI.

### III. Conclusion.

The Notice proposed a three (3) year debarment, the general period under the rules. The information presented and discussed above supports imposition of a period of award ineligibility for the proposed three year period. Prescribing the length of time is not a precise science. As a senior USGS official you had supervisory authority over some 45 individuals. As a supervisory official and member of the Senior Executive Service you were subject to a high standard of business ethics and public trust. The improper conduct occurred over an extended period. You were the principal and initiator rather than ancillary participant. It drew in other individuals. Little or no mitigation evidence is present. Balancing the information of record, imposition of a three year period of exclusion provides the appropriate degree of remedial protection for the government's procurement and non-procurement program interests.

Under 48 C.F.R. §§ 9.405(a) and 9.406-4, award ineligibility is effective upon, and measured from, the date of the Notice of Proposed Debarment. Accordingly, your three year exclusion period measures from the July 23, 2013, date of the Notice of Proposed Debarment.

Sincerely,



Debra E. Sonderman, Director  
Office of Acquisition and Property Management

cc: David M. Sims, PAM  
Jim Weiner, SOL  
Lori Vassar, OIG  
Stanley Stocker, OIG  
Official Case File(s)